IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1417 OF 2004

IN

SECOND APPEAL NO.452 OF 2002

Shivaji Mansing Mane .. Applicant

Versus

Sampat Rama Garad .. Respondent

CORAM : P.V.KAKADE, J.

DATE : 1ST OCTOBER, 2004.

PC.:

1. Heard both sides. Perused the record.

2. By this Court the appeal was admitted and Stay was granted. Now the order of status-quo in addition to Stay is sought on the ground that the Police are interpreting the Order in different manner. In this regard it must be noted that by way of this application

the Applicant is seeking new relief on the basis of findings recorded by the lower appellate court which cannot be allowed in law. No doubt the Stay order is granted in favour of the present application and therefore no more clarification is required. The applicant is at liberty to show the concerned authorities that the lower court has already held that the suit property is in his lawful possession and decree was passed to that effect and what is staying by this is the execution and implication of the said order and therefore it cannot be interpreted that the applicant is not in possession of the said land. In view of this position the application stands disposed of.

C.C. expedited.